

# **Exhibit A**

COPY

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ALLEGANY

KIM MCGINNIS  
2007 Route 19  
Wellsville, New York 14895

Plaintiff designates Allegany County as  
the place of trial

Plaintiff,

SUMMONS

v.

Index No.: 50976

WELLSVILLE EX-SERVICEMEN'S  
SOCIAL CLUB OF VFW INC.  
250 Maple Avenue  
Wellsville, New York 14895

Defendant.

2024 AUG - 1 AM 10:32  
ROBERT L. DEBISTHAU  
CLERK  
ALLEGANY COUNTY  
ENDORSED

**TO THE ABOVE NAMED DEFENDANT:**

**YOU ARE HEREBY SUMMONED**, to answer the Complaint in this action and to serve a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a Notice of Appearance, on the Plaintiff's attorneys within TWENTY (20) DAYS after the service of this Summons, exclusive of the day of service (or within THIRTY (30) DAYS after the service is complete if this Summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

DATED: July 26, 2024  
Buffalo, New York

HILLER COMERFORD INJURY & DISABILITY LAW

By: 

TIMOTHY HILLER, ESQ.  
Attorneys for Plaintiff  
6000 N. Bailey Avenue, Suite 1A  
Amherst, New York 14226  
(716) 564-3288  
thiller@hillercomerford.com

STATE OF NEW YORK  
SUPREME COURT: COUNTY OF ALLEGANY

KIM MCGINNIS

Plaintiff.

COMPLAINT

v.

Index No.: 50976

WELLSVILLE EX-SERVICEMEN'S  
SOCIAL CLUB OF VFW INC.

Defendant.

Plaintiff, above named, by and through her attorney, Timothy Hiller, Esq., of Hiller  
Comerford Injury & Disability Law, as and for her Complaint against the Defendant alleges:

**AS FOR A FIRST CAUSE OF ACTION AGAINST THE DEFENDANT:**

1. At all times hereinafter mentioned, Plaintiff, KIM MCGINNIS, was and is a resident of the Town of Wellsville, County of Allegany and State of New York.
2. That upon information and belief, at all times hereinafter mentioned, the Defendant, WELLSVILLE EX-SERVICEMEN'S SOCIAL CLUB OF VFW INC., was and still is a business corporation authorized to do business in the State of New York.
3. That upon information and belief, at all times hereinafter mentioned, the Defendant, WELLSVILLE EX-SERVICEMEN'S SOCIAL CLUB OF VFW INC., is organized and existing pursuant to the Laws of New York State performing systematic and regular business within the State of New York.
4. That upon information and belief, at all times hereinafter mentioned, Defendant, their agents, servants, and/or employees operated, owned, maintained, constructed, designed, trained, instructed, directed, and/or controlled the premises located at 250 Maple Avenue, Wellsville, New York 14895.



5. That on or about January 30, 2023, Plaintiff, KIM MCGINNIS, while lawfully and properly on the premises, was caused to sustain personal injuries when she slipped and fell on ice located at 250 Maple Avenue, Wellsville, New York.
6. Upon information and belief, the incident hereinbefore described and the resultant injuries were caused as a result of the negligent, careless, reckless, and/or unlawful conduct on the part of the Defendant, by their agents, servants, and/or employees in the ownership, operation, maintenance, construction, control, design of the aforesaid stairs in an unsafe, dangerous, hazardous, and defective condition, and in allowing and permitting it to be and remain in such condition, without warning Plaintiff and others of its existence.
7. Upon information and belief, the Defendant was negligent in creating the aforementioned dangerous and hazardous condition and had both actual and constructive notice of the dangerous condition, including notice by reasonable inspection.
8. That upon information and belief, Defendant affirmatively created the dangerous and hazardous conditions complained of herein.
9. That as a result of the negligence, recklessness and carelessness of the Defendant, WELLSVILLE EX-SERVICEMEN'S SOCIAL CLUB OF VFW INC., the Plaintiff suffered bodily injuries that may result in partially and/or permanent impairment; was rendered sick, sore, lame, and disabled; sustained pain and suffering and shock to her nerves and nervous system; was caused to and did seek medical aid and attention; was caused to and did incur medical expenses and may incur further medical expense; was caused to be incapacitated from her usual activities and may be further incapacitated.
10. This action falls within one or more of the exceptions set forth in CPLR §1602.

11. As a result of the foregoing, Plaintiff has been damaged in a sum amount which exceeds the jurisdictional limits of all lower Courts which would otherwise have jurisdiction and as may be awarded by the trier of the facts herein.

12. That the Defendant, WELLSVILLE VETERANS SOCIAL CLUB OF VFW INC., is vicariously liable for the acts, omissions, negligence and or recklessness of its agents, servants and or employees.

WHEREFORE, the Plaintiff demands judgment against the Defendant, in the First Cause of Action, in an amount that exceeds the jurisdictional limits of all lower courts and that would otherwise have jurisdiction; and for such other, further or different relief as the Court may deem just and proper, together with the costs and disbursements of this action.

DATED: July 26, 2024

HILLER COMERFORD INJURY & DISABILITY LAW



Timothy Hiller, Esq.  
*Attorneys for Plaintiff*  
6000 North Bailey Avenue, Suite 1A  
Amherst, New York 14226  
(716) 564-3288